

Submission to the Department of Attorney-General and Justice ICAC draft legislation

The draft legislation is flawed and weak for the following reasons and given the past scandals in the NT, Territorians deserve better.

CLAUSE 10 (2) - Ministers, members of parliament and councilors are exempt from corruption charges for a range of corrupt behaviours including dishonesty, failing to manage conflicts of interest or breaching public trust, but a public servant can be found corrupt for the same offences.

CLAUSE 10 (3) For Ministers, members of parliament and councilors (who are all public servants) they have to be found guilty of a serious breach of public trust to be corrupt conduct – what is the definition of a serious breach of public trust and why is that not equally defined as per clause 10(2) and why are there two different standards when Ministers are public servants and accountable to the public? Under the NSW ICAC law it is just 'breach of trust' and applies to all public officials.

CLAUSE 16 (2) suggests that ICAC will only investigate corrupt conduct or serious anti-democratic conduct, not the 'less serious' breaches of public trust intimated by CLAUSE 10(3) it seems written for politicians. This indicates the offences by politicians are less likely to be investigated by the NT ICAC instead referred to the Commissioner for Standards appointed by the Legislative Assembly or the Speaker who is appointed by the Chief Minister – how is this appropriate. This clause seems to show the Labor Government are more worried about how elections are conducted than how politicians conduct themselves and are expected to conduct themselves in office.

Compare that to NSW ICAC legislation CLAUSE 13 that clearly shows the NSW ICAC is stronger with more interest in investigating corruption or behaviour that encourages corruption that has or is about to occur.

Under a NSW model corrupt conduct applies to all public officials in the same way and is a stronger more detailed list of offences that meets public expectation down to defrauding public revenue, dishonest dealings, bribery, extortion, fraud, theft, election funding offences, obtaining financial benefit by vice engaged in others, and official

misconduct among many other offences. See section 8 of the Independent Commission Against Corruption Act 1988 No 35.

The NT Model does not allow cabinet documents or decisions to be disclosed to ICAC including communications about cabinet or between cabinet members. This means that the government decisions are immune from ICAC scrutiny. The NSW model does not protect cabinet processes from scrutiny.

Territorians want and deserve a NSW style ICAC to openly investigate and prosecute the scandals and corruption that have occurred in the NT Government over the past 30 years not have hearings behind closed doors.

This draft bill does not meet the public's expectations.

This Gunner Government is the same as the CLP protecting themselves from scrutiny.

